

United States District Court

for

Middle District of Alabama

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Melvin Lamar Smith

Case Number: 2:03CR51-MEF

Name of Sentencing Judicial Officer: The Honorable Mark E. Fuller, Chief U.S. District Judge

Date of Original Sentence: July 16, 2003

Original Offense: Robbery

Original Sentence: 60 months imprisonment with served followed by three (3) years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: February 24, 2008

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

The offender shall reside in an emergency housing facility designated by the probation officer for a period not to exceed one (1) year, or until the probation officer approves an alternative residence. The emergency housing may be provided through a halfway house, if available, or through lodging arranged by the probation office if necessary. While residing in the emergency housing facility, the offender shall abide by any rules and regulations of the facility. The offender shall contribute towards the cost of the housing based on ability to pay as determined by the probation officer.

CAUSE

Smith was modified to serve six (6) months in the Home Confinement Program on May 4, 2010, after serving seven (7) months in the Montgomery City Jail. Because he was homeless at the time of his release, Jonathan Smith, offender's brother, agreed to let him stay at his residence while completing the Home Confinement Program. On June 8, 2010, Smith contacted this officer regarding his current housing situation. The offender stated that his brother, Jonathan Smith, is currently several months behind on his rent and has received notices concerning an eviction. The offender stated that he needs help with housing in order to successfully complete the Home Confinement Program. The probation office, through the assistance of Second Chance Act funding, will assist the offender to secure emergency/transitional housing placement. Smith signed Probation Form 49 waiving his right to a hearing and assistance of counsel and agreed to the proposed modification, which will allow the probation office to utilize funds from the Second Chance Act.

Respectfully submitted,

by /s/ DeAndre L. Meadows
U.S. Probation Officer
Date: June 25, 2010

Reviewed and approved: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The MODIFICATION of conditions as noted above
- ☐ Other

DONE this the 30th day of June, 2010.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE